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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

\*\*\*\*\*  
VENTURA CONSERVATION SUBDIVISION  
560 BOGHT ROAD  
APPLICATION TO REISSUE CONCEPT ACCEPTANCE  
\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on March 4, 2014 at 7:02 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:  
PETER STUTO, ACTING CHAIRMAN  
BRIAN AUSTIN  
SUSAN MILSTEIN  
TINA GOODWIN SEGAL  
KATHY DALTON  
TIMOTHY LANE

ALSO PRESENT:  
Joe LaCivita, Director, Planning and Economic Development  
Kathleen Marinelli, Esq., Special Counsel to the Planning Board  
Joe Grasso, PE, CHA  
Lynn Sipperly, PE, Sipperly and Associates  
Bill Jones  
Marjorie McBride  
Albina Dellarocco

1           CHAIRMAN STUTO: There are residents looking at  
2 the map, which is good.

3           If anybody wants to speak on the one item on  
4 the agenda, there is a sign-up sheet over there  
5 (Indicating) and I'd ask you to please sign in. We  
6 only have one item on the agenda.

7           This is a project that I think that we've seen  
8 three times before. This will be perhaps our fourth  
9 time. Ventura Conservation Subdivision; 560 Boght  
10 Road. This is an application to re-issue the concept  
11 acceptance. This is a 30-lot conservation residential  
12 subdivision.

13           Joe Grasso, did you want to say anything before  
14 we turn it over to the applicant?

15           MR. GRASSO: No, I think that you summed it up.

16           CHAIRMAN STUTO: Mr. Sipperly?

17           MR. SIPPERLY: Thank you, Mr. Chairman. Yes,  
18 we're back this evening for a fourth time.  
19 Unfortunately, we're asking for a reaffirmation of the  
20 concept subdivision approval for the Ventura  
21 Subdivision.

22           The Ventura Subdivision is a conservation  
23 overlay subdivision. It hasn't changed since the  
24 concept approval which was given to us back in April  
25 24, 2012.

1           The property contains 25.55 acres. It has  
2 frontage on Boght Road at this location here  
3 (Indicating) and also has frontage on Renas Drive at  
4 this location here (Indicating). It also is going to  
5 have frontage on Vliet Street Extension, which we are  
6 proposing as part of the development. What is  
7 proposed is 30 lots including one lot which is already  
8 developed. At this location here is the Ventura  
9 residence (Indicating), so it's 29 new lots and the  
10 one lot that will encompass the existing homes that  
11 are on the property.

12           What is proposed again is to come in off of  
13 Boght Road and come back and do a cul-de-sac street at  
14 this location here and we're making a connection to  
15 Vliet Street Extension at this location here  
16 (Indicating). It's marked in the red marker.

17           This is a conservation subdivision. We have  
18 set aside the required 40 percent of open space which  
19 consists of constrained land and some wetlands that  
20 are constrained lands and lands which are not  
21 constrained, but have been factored into the 40  
22 percent of open space requirement for the conservation  
23 subdivision.

24           Water and sewer are available to the property.  
25 They're both on Boght Road and on Vliet Street. We

1 are proposing to bring the utilities down the proposed  
2 Ventura Boulevard. Water will loop back and connect  
3 to this point here on the proposed Sutton Drive.

4 This area here -- our neighbor to the east is  
5 the Cornerstone Meadows Phase II; a subdivision  
6 approved by the Planning Board several years ago.  
7 This subdivision is now currently under construction  
8 as we speak and I think that the contractor is in  
9 there doing some clearing for the roads at this time.  
10 Vliet Street currently dead-ends at this location here  
11 (Indicating) and will be extending to where we show  
12 the red line here by the Cornerstone Meadows Phase II  
13 and we will take it up there and bring it to our  
14 development.

15 This property is owned by the Town of Colonie  
16 and the Town Board has granted a license to the  
17 Venturas to build this roadway which will, once  
18 constructed, be turned over to the Town as a public  
19 thoroughfare. The same thing with Ventura Boulevard.  
20 It will be constructed to Town standards and  
21 specifications and will be conveyed to the Town at the  
22 completion of construction.

23 The development proposed is two detention  
24 basins. One is at this location here (Indicating) and  
25 the second is at this location here (Indicating).

1 They will drain naturally to the present drainage  
2 course that occurs off of our site and down through  
3 lands in the Town of Colonie. The lands of the Town  
4 of Colonie here is the North Colonie soccer complex.  
5 That's really the use of that property. The property  
6 has 2.38 acres of wetlands. Those are federal  
7 wetlands. Of that, there is 1.3 acres which is also  
8 DEC wetlands. We have been delayed and the reason  
9 that we are here is that we have been delayed in a  
10 commencement of our design for a couple of reasons.

11 After we received concept approval, we  
12 authorized and went forward with the archeological  
13 investigation. The archeologist which is Arch Tech  
14 found a couple of isolated locations of artifacts so  
15 that required more close intense test pits to  
16 determine if they were just isolated events, or there  
17 was anything to them as far as a material cultural  
18 site. What was determined was that they were just, in  
19 fact, isolated. They found a couple of arrowheads.  
20 What happens on that particular occasion is that they  
21 kind of go to the 1B testing. They do test pits on a  
22 more frequent interval to see if there are any more  
23 cultural resources that would indicate that this was  
24 some kind of an active site, or a larger archeological  
25 event. That wasn't found. However between doing the

1 archeological and doing this limited Phase IB for this  
2 particular location where they did find the artifact,  
3 it cost us a little over six months. It was probably  
4 the end of August before we received their results.  
5 We didn't want to go forward and design something that  
6 would impact an archeological site. So, we were kind  
7 of on-hold so to speak, until we got the results from  
8 the archeologist.

9 The second event that occurred, which is kind  
10 of substantial to us, is the delineation of the  
11 wetland boundary between our property and the property  
12 to the east, which is the Cornerstone Meadows Phase  
13 II. Our wetland consultant disagreed with the line  
14 that was previously delineated by 30 to 40 feet. It  
15 doesn't sound like much, but what it does is move the  
16 wetland boundary. Actually, away from our property  
17 and in this particular instance, the wetland boundary.  
18 So, any relief that we can get I guess by the wetland  
19 boundary being actually further away from our property  
20 has less impact on our property with regard to the  
21 buffer. So, it took probably until September of 2012  
22 for DEC to come back and give us a ruling on that  
23 particular wetland boundary.

24 CHAIRMAN STUTO: Does that alter your plans at  
25 all?

1                   MR. SIPPERLY: It didn't alter the plans. The  
2 wetland boundary may not be able to be seen from that  
3 distance. That's this line right here (Indicating).  
4 The boundary that was delineated by Cornerstone  
5 Meadows II was up here (Indicating). It's getting  
6 close to our property. We felt that it was sufficient  
7 enough, particularly with regard to how the buffer  
8 would affect our lots to make a case with DEC that the  
9 actual wetland line was different than what was  
10 previously determined by another project.

11                   Those two factors really kind of set us back.  
12 The 18 month time frame that we had to submit the  
13 preliminary final plans and to secure final  
14 subdivision approval expired in October 24 of 2013.  
15 We didn't unfortunately pay close attention to that.  
16 We had prepared the preliminary final design and that  
17 was submitted back to the Planning office and to the  
18 TDE. That occurred on January 30, 2014. So, we  
19 really have the design before the TDE and the Town  
20 Planning office for final review. It's just that when  
21 we did that and took a look at the dates, we kind of  
22 lost the fact that we had exceeded the 18 months that  
23 we had for concept subdivision approval. Nothing on  
24 the subdivision plan has changed from when concept  
25 approval was provided. One thing that has changed is

1 that in our concept approval, we proposed that this  
2 strip of land behind these lots be part of a lot at  
3 this location here (Indicating). We found that was  
4 probably awkward to have someone else own land behind  
5 our lot. So, all we have done is we've now extended  
6 the lot lines so each of these lots will have a  
7 restrictive covenant in their back yard with regard to  
8 the proposed open space. Really what that is saying  
9 is that there will be no other owner behind these  
10 properties. We won't be getting into any turf  
11 disputes that might occur. We think that's a very  
12 minor change. We just extended the immediate lot line  
13 back. The open space provision -- the buffer period  
14 is still going to be a restriction on the rear of  
15 these properties. That's probably the only change  
16 that I've seen.

17 CHAIRMAN STUTO: I thought that we were voting  
18 on identical plans to what was submitted before.

19 MR. SIPPERLY: It's identical. We can make  
20 that change. All we did was take these lot lines and  
21 extend them back to here (Indicating). The open space  
22 is still there.

23 CHAIRMAN STUTO: I'll let our TDE talk about  
24 that. Concept approval is not binding anyway. The  
25 rubber is really going to hit the road between now and

1 final. I thought that we were going to have a  
2 conservation easement on that.

3 MR. GRASSO: Yes, they do.

4 CHAIRMAN STUTO: But you just said a deed  
5 restriction.

6 MR. SIPPERLY: Well, a conservation  
7 easement/deed restriction.

8 CHAIRMAN STUTO: There is a nuance of a  
9 difference there.

10 Anything else on your presentation?

11 MR. SIPPERLY: That's pretty much it. I can  
12 answer any questions that the Board may have.

13 CHAIRMAN STUTO: Okay, we're going to allow our  
14 TDE to bring us up to date. I'll say this, there is  
15 only three of us here that were here for any of the  
16 prior presentations. I think that it's worth while to  
17 have the presentation that you made and to have our  
18 TDE, Joe Grasso go through it from his perspective --  
19 to make sure that our Board understands what we have  
20 here.

21 MR. GRASSO: The project did go through a lot  
22 of analysis and evaluations during the concept design  
23 process and approval process. As Lynn had mentioned  
24 it's a conservation overlay zone that covers this  
25 section of the Town and what is important in that is

1 that the Planning Board is required to do a  
2 conservation analysis of every property under  
3 development. What that involved is looking at the  
4 property and identifying the wetland areas, any  
5 agricultural, historical or ecological resources as  
6 well as buffers to either adjacent property, owners  
7 that may need buffers or to other wetlands, or to any  
8 constraints on the property. Through the course of  
9 that process, the Planning Board was able to advise  
10 the applicant in terms of the areas of the project  
11 site that were important in terms of protection. When  
12 you're in a conservation density overlay zone, you're  
13 required to not only protect those resources that are  
14 constrained, which are primarily are streams and  
15 wetlands, but you also have to protect 40 percent of  
16 the unconstrained lands of the project site. So,  
17 basically through that conservation analysis process  
18 you need to identify where that 40 percent of  
19 unconstrained property should occur. Through that  
20 process, the Planning Board had significant concerns  
21 over the wetland resources within the project site.  
22 So, the project was designed to minimize impacts to  
23 the wetlands within the property.

24 There were also concerns raised about the  
25 buffers to the wetlands to make sure that those were

1 impacted by clearing and more grading. So, there are  
2 extensive buffers around the wetlands within the site.

3 The Planning Board also raised concerns  
4 regarding the protection of significant wildlife  
5 corridors and that the Planning Board looked at how  
6 this project site fits in to the context of a more  
7 regional context and looked at the open space areas  
8 that were included within the Cornerstone Meadows  
9 project to the east of this, as well as the  
10 undeveloped lands immediately to the west of the  
11 project site. You can see that large swath of open  
12 space on the south side of the site. The primary  
13 reason why that whole area wanted to be protected was  
14 to make sure that there was a large area of wildlife  
15 habitat that would be retained on the southern side of  
16 the site.

17 Additional resources that were worthy of  
18 protection were buffers to the homes along Renas  
19 Drive. So, you can see that there is a large swath of  
20 open space protected there and even extending further  
21 to the south around those wetlands. Then there was  
22 also concern about having protected open space behind  
23 as many lots as possible. Then you would have two  
24 opposing lots that would adjoin each other with no  
25 buffer in between. As you look at the layout and you

1 go behind the lots along the road as you come in, you  
2 can see most of the lots have an open space area  
3 immediately behind those lots. Those were the primary  
4 things that the Planning Board had suggested the  
5 applicant incorporate into the plan which is why it  
6 went through the concept design process so many times.  
7 The project did get concept approval on this plan that  
8 you had back in the spring of 2012, but during the  
9 concept review there were still significant concerns  
10 raised by many of the residents in the area and they  
11 were primarily related to the poor drainage conditions  
12 that exist in the area and that's caused by relatively  
13 flat topography, high ground water conditions and the  
14 lack of drainage improvements. So, we heard from the  
15 residents that those concerns were there. We made  
16 Lynn aware of them and the Planning Board advised them  
17 to make sure that as he develops the preliminary final  
18 design plans to make sure that he addresses those  
19 drainage concerns to the best of this ability working  
20 within the time confines within the project site.

21 There are also concerns raised about the  
22 development of the three lots along Renas Drive.

23 Lynn, if you could just highlight where those  
24 three lots are?

25 MR. SIPPERLY: They are in this area right

1           there (Indicating).

2                   MR. GRASSO:  It's a small part of the project  
3           site that has frontage on Renas Drive and the proposal  
4           has always been to develop three lots there.  There  
5           were concerns raised by the owner and adjacent  
6           properties along Renas Drive as well as by the  
7           Planning Board Members that it shouldn't be three lots  
8           and that it should be possibly two lots.  That would  
9           be in keeping with the lot sizes with the existing  
10          lots along Renas Drive and provide a little bit better  
11          scale with the existing neighborhood.  So, that was an  
12          outstanding concern.  The concept plan was approved  
13          with the three lots even though here was a clear  
14          direction that you should look at reducing that down  
15          to two lots.

16                   Another concern raised and noted in concept  
17          approval was the buffer between the new subdivision  
18          road and the lots along Renas Drive.  There is  
19          currently a strip of 50 feet of open space there.  
20          Exactly how that area was going to be articulated was  
21          a concern.  It's currently a thinly vegetated area of  
22          50 feet and there was some discussion whether or not  
23          it should remain a thinly wooded area, or if the  
24          construction of the development should go in and  
25          create a berm and landscaping there.  That's what we

1 had kind of settled on having to wait for design  
2 information to come through further on in the process.

3           There were a couple of other issues that were  
4 brought up during concept. One was the deed  
5 restriction language that would apply to the open  
6 space. It's important because most of these open  
7 spaced lands would not be granted to the Town or not  
8 be granted to any other entity for protection. Most  
9 of the open space would be contained within privately  
10 owned lots. So, the deed restriction language and  
11 what the restrictions and how it's worded is really  
12 important. That's going to be up to each individual  
13 land owner to do. It's not going to be controlled by  
14 the Town of another entity. There are some concerns  
15 over the ability for any type of clearing at all to  
16 incur within those deed restricted lands. The  
17 language that we were able to review at the concept  
18 review stage allows limited clearing of nuisance  
19 vegetation that would impact either the property owner  
20 or the adjoining neighbors. It was our suggestion  
21 that that language be taken out of the deed  
22 restrictions so that there was absolutely no clearing  
23 allowed within the lots whatsoever unless it came back  
24 to the Planning Board for additional review. It kind  
25 of takes that discretion out of the language. What

1           what one owner may think of as nuisance vegetation to  
2           them, the adjacent property owner may think that was  
3           my important buffer that protected my privacy. So  
4           rather than get into that debate down the road, we  
5           thought that it would be better to strike that out for  
6           the deed restriction language.

7                        So, those were the things that were left in the  
8           concept plan and were deliberated in. Like Lynn said,  
9           we currently have received a set of preliminary final  
10          plans. We're going to go through and issue a review  
11          letter within the next few days on those preliminary  
12          final plans. We would expect that changes would have  
13          to be made to the project from the way that it's  
14          currently presented before it's ready for additional  
15          Planning Board review primarily related to those  
16          things that I touched on in my discussion.

17                       CHAIRMAN STUTO: Okay, I think that we should  
18          go to the public and see what they have to say.

19                       Bill Jones?

20                       MR. JONES: What is the frontage that you have  
21          on Boght Road?

22                       MR. SIPPERLY: It's about 80 feet.

23                       MR. JONES: Is that a requirement?

24                       MR. SIPPERLY: Fifty feet is required for a  
25          standard Town road.

1 MR. JONES: What are the size of the lots?

2 CHAIRMAN STUTO: Can you direct your questions  
3 here? I'll make notes and then we'll answer all at  
4 once.

5 MR. JONES: Is this a cul-de-sac? It's one-way  
6 in and one-way out?

7 CHAIRMAN STUTO: Yes, except for when it makes  
8 it connection down below.

9 MR. JONES: Is there going to be sidewalks out  
10 to Boght Road?

11 MR. GRASSO: No, no sidewalks are proposed.  
12 It's just a standard residential street section. It's  
13 asphalt paved. I think that it's 28 feet wide, but no  
14 sidewalk provisions, one road in and then a connection  
15 down to Vliet Street Extension.

16 MR. JONES: No pump station required?

17 MR. GRASSO: No, it's gravity sewer.

18 CHAIRMAN STUTO: Do you want to answer the lot  
19 size?

20 MR. GRASSO: I think that the smallest lot is  
21 about 8,300 square feet and the largest one is  
22 probably the Ventura's, which I don't know the size of  
23 that one.

24 Do you know, Lynn?

25 MR. SIPPERLY: It's probably about three acres.

1                   CHAIRMAN STUTO:  What's the next largest lot  
2                   down?

3                   MR. GRASSO:  I would say that the average lot  
4                   size is probably half an acre.

5                   MR. JONES:  Thank you.

6                   MR. GRASSO:  The three lots on Renas Drive are  
7                   between 8,300 and 9,100 square feet so those are the  
8                   smallest lots in the development.

9                   CHAIRMAN STUTO:  Norbert Derosier.

10                  MR. DEROSIER:  There are two exits, one coming  
11                  out of Vliet Street and one coming out of Boght Road.  
12                  Now, we're going to have a situation where we're  
13                  creating a short cut from Baker Avenue across over to  
14                  to Boght Road.  Boght Road is a super highway now.  
15                  You're going to have traffic problems with people  
16                  coming out of Cohoes going straight across and coming  
17                  across the Ventura Drive and out onto Boght Road.  I  
18                  don't know how you can control that.

19                  The other thing is that we have a water problem  
20                  there.  You think that you have it controlled.  Why  
21                  can't you run that water to the same drainage where  
22                  the Town built that big bridge over the soccer field?  
23                  The state made you clean that up.  You can take that  
24                  water and drain that water or make a big catch basin  
25                  there.  Drain that water into the area where the Town

1 has that bridge and all that water would just flow  
2 down to the creek at the bottom of Boght Road. I have  
3 been there for 70 years. That whole area is a  
4 potential swamp. Up above and across from the church,  
5 they filled in that wetland. They filled the wetland  
6 in on the back of Renas Drive. I've got a situation  
7 on my side of the road where if the water gets too  
8 high, it's going to go across into the street. That  
9 whole area is a living sponge and no matter how much  
10 engineering you do, unless you get that water out of  
11 there, you're going to have problems. There is no  
12 reason why you can't drain that pond down towards the  
13 edge of the street.

14 I'm no engineer, but from the swamps of  
15 Louisiana to the arctic circle and the gold mine and  
16 tar pits in Alberta Canada -- every time you go in  
17 there people always have tunnel vision. This is my  
18 project and this is what I'm going ot do. People  
19 don't understand that what is going on over here and  
20 what is going on over there. I would look into  
21 bringing that water, draining it across the town  
22 soccer field under that bridge, even though you have  
23 most of it gone. If that pond overflows, it's going  
24 to be a little swamp there. Thank you.

25 CHAIRMAN STUTO: Okay, you raise two questions.

1 One is the traffic because of the connection to Vliet  
2 Street Extension and the other has to do with the  
3 stormwater drainage.

4 I'll let you moderate it. I don't know if you  
5 want to address it or turn it over to Lynn.

6 MR. GRASSO: No, Lynn can try to address it.

7 MR. SIPPERLY: On the first one, the cut  
8 through from Boght Road through Vliet Street Extension  
9 through Ventura Boulevard and back up to Boght Road --  
10 I don't think that is going to be a problem because  
11 traffic entering Boght Road will have to wait for a  
12 gap in the traffic on Boght Road. I think that there  
13 is going to be a delay for traffic. If cut through  
14 traffic experiences a delay at this location, then  
15 they are going to be discouraged. The more direct  
16 route is to come to Vliet Street intersection with  
17 Boght Road, follow Boght Road north as it bends around  
18 and go right up through there. There will be a series  
19 of stop signs along this corridor just for that  
20 particular purpose to discourage traffic from speeding  
21 through here unobstructed.

22 CHAIRMAN STUTO: And then once you get to that  
23 point you want to take a left, which you have to wait  
24 for the traffic.

25 MR. SIPPERLY: If you're going to take a right,

1           there is no reason to take the short cut to take a  
2           right because Boght Road is really down here and there  
3           is a much shorter route here (Indicating). I think  
4           that if anybody was to come this way they would have  
5           to wait for a gap in traffic, where if they were to  
6           proceed on Boght Road, they would have the right of  
7           way.

8                         With regard to stormwater, presently there are  
9           three stream drainage courses that run through the  
10          property. One is at this location here, another one  
11          here and a third one here (Indicating), coming down  
12          through this open space area in the Cornerstone  
13          Meadows Subdivision. We're proposing actually three  
14          detention basins. One would be right here  
15          (Indicating). It's a very small detention basin just  
16          to accept water that is going to go off of the portion  
17          of the street and these couple of lots right here  
18          (Indicating). The roadway pretty much kind of has a  
19          high point at this location here so everything from  
20          here back is going to flow back to a low point at this  
21          location here. We have a detention basin here --  
22          apparently a large detention basin that will accept  
23          the waters from this portion of the site back and we  
24          have another detention basin location here that will  
25          accept the waters from the back of the subdivision

1 coming forward. The lots on the easterly side of the  
2 road are just going to sheet-flow pretty much. Some  
3 of the lot will sheet-flow back into this open space  
4 land that is adjacent to us. These streams eventually  
5 connect and run down through the soccer field or Town  
6 of Colonie soccer complex property, and I believe that  
7 they do in turn go to that culvert under the road  
8 which I'm not aware of where that is located on Boght  
9 Road. Our stormwater management is designed for the  
10 100-year storm, so we are ponding on site for the  
11 100-year storm. All detention basins will accept a  
12 100-year storm. The detention basins would release  
13 the water naturally at the same rate that it's being  
14 released from the property now in its undeveloped  
15 state. These streams will not see any greater volume  
16 of water. It will see water for a longer period of  
17 time, but they won't be exceeded unless we see the  
18 100-year storm. Even if we see that, we have an  
19 emergency overflow, but there is also more above the  
20 100-year storm that the ponds will accept. We're not  
21 improving the drainage because we're not releasing any  
22 more drainage than is currently going off the property  
23 in its undeveloped state. However, we are not  
24 discharging water at any greater rate than is  
25 currently going off the site and we're retaining

1 on-site the 100-year storm which is significant.

2 CHAIRMAN STUTO: Joe, do you have any comments  
3 on any of that?

4 MR. GRASSO: Regarding the cut through traffic  
5 - I drove that section again today. I have driven it  
6 in the past and based on the geometry of the road and  
7 the stop sign control, I don't think that it's going  
8 to be used as a cut through. I don't think that it's  
9 going to cut down on travel times. It obviously gets  
10 you to the same spot. We've talked before about  
11 traffic diversions or through areas which are not  
12 necessarily a bad thing. Obviously, we wouldn't want  
13 to create a condition that takes a lot of traffic  
14 through an existing residential neighborhood, but we  
15 don't see that condition here. We don't have any  
16 concerns about cut through traffic.

17 Regarding the drainage, I think that the  
18 biggest issue that inhibits this project from solving  
19 the drainage problems or doing extensive drainage  
20 improvements like we've heard suggested is the fact  
21 that the most poorly drained areas of the project site  
22 and the areas around the project site are classified  
23 wetlands. They're classified by the Corp of Engineers  
24 and they're classified by the Department of  
25 Environmental Conservation. You're not allowed to go

1 in there and physically alter those wetland areas so  
2 you can dredge them or ditch them and you're not  
3 allowed to do other drainage improvements that would  
4 effect the hydrology of those wetlands. Although we  
5 would like to see more comprehensive drainage  
6 improvements to dry up the whole project site, it's  
7 legally not possible. It's not possible for the  
8 applicant to do it and it's not possible for the Town  
9 to do it. So, understanding that you have to stay out  
10 of those areas, the intent is to make sure that you're  
11 not increasing the amount of run-off to the adjacent  
12 properties which I think that Lynn did a good job  
13 describing.

14 The only other thing that can be done is when  
15 you're up along Boght Road and along Renas Drive where  
16 the road is going to connect out to Boght Road and  
17 you're going to have these other three lots on Renas  
18 Drive, there are no wetlands immediately in those  
19 areas. There can be drainage improvements done to  
20 that specific area that pulls the water out of the  
21 area. That should make a modest improvement over  
22 existing conditions in those specific areas. Other  
23 than that, drainage conditions shouldn't change from  
24 where they exist today.

25 CHAIRMAN STUTO: Sir, did you have something

1 else?

2 MR. DEROSIER: I had some pictures for you.

3 CHAIRMAN STUTO: We'll take them and put them  
4 in the record.

5 Have you done a detailed analysis yet?

6 MR. GRASSO: We started. Like I said we got  
7 the plans last month. The wetland areas,  
8 unfortunately are going to continue to be wetlands, or  
9 at least they should.

10 CHAIRMAN STUTO: Am I saying this correctly?  
11 You're not allowed to drain out the wetlands?

12 MR. GRASSO: No, you're not allowed to drain  
13 them. You can't even change the hydrology of them.

14 MR. DEROSIER: I'm not asking you to drain the  
15 wetlands. I'm asking you where the water is going  
16 to accumulate in the ponds - get rid of the ponds.  
17 I'm not asking you to drain the wetlands. I'm asking  
18 you to say that if you've got a pond there, rather  
19 than have it fenced off and then the Town has to have  
20 it cleaned out or else it overflows, then drain that  
21 water out of those ponds. As far as the wetlands go,  
22 leave them alone. Most of that water that has been  
23 accumulated in those ponds is going to come from other  
24 parts of that project.

25 MR. GRASSO: I think I understand what he is

1 saying. I think that what he is describing to be done  
2 is pretty much what has already been incorporated into  
3 the project. There will be stormwater management  
4 areas that will drain out of the project site.

5 MR. DEROSIER: There are a couple of pictures  
6 from the other side of the street. This is how high  
7 the water goes from the other side of the street -  
8 Boght Road. I've only been there 70 years. I've  
9 walked on it as a kid on and off.

10 CHAIRMAN STUTO: Anybody else from the public  
11 want to be heard on this?

12 MS. MCBRIDE: I'm Marjorie McBride and I live  
13 on Renas Drive. I do think that three houses on that  
14 open land is too much. Two sounds reasonable.

15 CHAIRMAN STUTO: Yes, sir.

16 MR. JONES: What are the prices of the houses?

17 CHAIRMAN STUTO: I'll turn that over to the  
18 developer.

19 MR. SIPPERLY: Probably \$350,000 to \$450,000.

20 CHAIRMAN STUTO: How many square feet, do you  
21 know?

22 MR. SIPPERLY: I don't know, but the lots will  
23 probably be around 2,200 to 2,800 square foot of home  
24 and be two stories.

25 CHAIRMAN STUTO: Anyone else have questions?

1 MS. DELLAROCCO: My name is Albina Dellarocco  
2 and I live at 12 Landor Lane. I live over there where  
3 all that development is going in. There is a creek  
4 that runs across there. Do you know about that?

5 CHAIRMAN STUTO: Is that one of the older  
6 streets?

7 MR. SIPPERLY: Yes, Landor is up here  
8 (Indicating).

9 MS. DELLAROCCO: There are a lot of creeks in  
10 that area. You're not going to block that?

11 MR. SIPPERLY: No, I think that one of the  
12 streams that you're talking about is right in this  
13 area here (Indicating). There is one back here  
14 (Indicating).

15 MS. DELLAROCCO: That is the big one.

16 MR. SIPPERLY: We're not blocking that. There  
17 would be a culvert under here to carry the water  
18 through.

19 MS. DELLAROCCO: Please don't block it because  
20 that will back up onto my property.

21 MR. SIPPERLY: No, we won't do that. That's  
22 for sure.

23 CHAIRMAN STUTO: Anybody else from the public?

24 (There was no response.)

25 CHAIRMAN STUTO: Okay, I'll turn it over to the

1 Board.

2 MS. MILSTEIN: I just have a procedural  
3 question. Since obviously there was a lapse, can we  
4 unilaterally just reinstate it? Are we permitted to  
5 disregard it?

6 CHAIRMAN STUTO: We've talked about that.

7 Kathleen, do you want to handle that question?

8 MS. MARINELLI: What the Code says is that the  
9 applicant has 18 months from the date of approval for  
10 the approval to be valid. Since that lapsed, the  
11 prior approval is no longer valid which means we have  
12 to vote today on concept.

13 CHAIRMAN STUTO: So, in a sense we're voting  
14 anew on concept. That is what she is saying.

15 MR. LANE: This is a new plan and we have a new  
16 Board.

17 MS. DALTON: My only issue goes back from the  
18 two to three lots. I'm still in favor of the two  
19 lots.

20 MR. SIPPERLY: If you recall back in our  
21 presentation, we kind of described Renas Drive as a  
22 transitional street. Around where these lots are  
23 proposed, there are some smaller homes. We thought  
24 that smaller homes on these lots would be very much in  
25 character with the existing neighborhood.

1           MR. LANE: It's not so much the size of the  
2 homes, but the spacing is out of character with what  
3 the way that the rest is currently laid out.

4           MR. SIPPERLY: We kind of used the example of  
5 Lake Ridge Subdivision down off of Watervliet Shaker  
6 Road. They're small lots and good size homes.  
7 They're 2,000 square feet. These here would not be  
8 2,800 square feet. They would be a long narrow home  
9 that is similar to what we see in Lake Ridge that  
10 affords three bedrooms and works really well and it  
11 probably has 10 to 15 feet of sideyarding and it has  
12 plenty of back yard. These are smaller homes which  
13 people who may not want a lot of lot maintenance -

14           CHAIRMAN STUTO: The Board spoke fairly clearly  
15 last time. I'm in agreement with Kathy and if you  
16 look at the average lot size around there, they are a  
17 lot bigger than what you are proposing. If you look  
18 at those five lots, they just don't look right.  
19 They're not even. They go half way up the lots on  
20 Renas and I think that you're trying to do too much  
21 with too little. If you look at the lots on either  
22 side, they are much bigger than what is proposed. And  
23 even going down - it's not so much the size of the  
24 house, but the size of the lots. If you want to keep  
25 fighting that battle, I guess it's your prerogative

1 but I think that the Board has been relatively clear.  
2 I don't speak for everybody.

3 MS. DALTON: And there is a difference between  
4 concept and final and we have been very clear during  
5 concept of what our preferences are for final. This  
6 side of the table prefers two.

7 MR. SIPPERLY: We proposed them not to be  
8 greedy but we thought that they would be appropriate  
9 there.

10 MS. DALTON: We understand. So, when you come  
11 in and you show us what you're going to build there,  
12 maybe it will change how we feel. But for now, I  
13 think that it's reasonable to assume that's where many  
14 of us will come out.

15 CHAIRMAN STUTO: I invite the other Board  
16 Members to look at those five lots.

17 MS. MILSTEIN: I agree with two instead of  
18 three.

19 MS. DELLAROCO: The ones across are  
20 considerably larger - not the houses, but the lots.

21 MR. GRASSO: We did some analysis. The three  
22 lots together - the average size is a little bit over  
23 8,800 square feet and the two lots on either side  
24 along Renas, even though the homes are relatively  
25 small and modestly sized - the lots themselves, one is

1 23,000 square feet and the other one is just over  
2 20,000 square feet. The two adjoining lots are more  
3 than twice the size of those three lots. Even if you  
4 went down to two lots, you're talking about two lots  
5 that are still 13,000 square feet. It's still  
6 substantially less than the other adjoining lots on  
7 either side. If you look at the separation between  
8 the homes that are going to be created, the plan  
9 represents theoretical footprints and they're showing  
10 a 25 foot separation between the homes and 25 feet to  
11 the Robinson parcel along Renas. We looked at the  
12 average separation of the homes on Renas and it's over  
13 70 feet. They're going from a 70 foot average  
14 separation to the 25 foot separation. It's  
15 substantially out of context with what is there.

16 CHAIRMAN STUTO: The other points that you  
17 made, I just hope that you heard those. This is our  
18 fourth time here. We've been saying again and again.  
19 If we need to repeat them again, we will. The deed  
20 restrictions are important and the buffers are  
21 important. So, we hope that you'll work between now  
22 and final on all of that and all the other comments  
23 that Joe Grasso has made on our behalf.

24 MS. MILSTEIN: Are you planning any sidewalks  
25 in there or not?

1 MR. SIPPERLY: No.

2 MS. MILSTEIN: Personally, I really like  
3 sidewalks. It's safer for people to walk. That's my  
4 personal opinion and that's what I'd like to see.

5 MR. GRASSO: I'll just speak to that. When the  
6 project goes through its initial review of the DCC  
7 meeting and we bring in all the Town Departments, the  
8 topic of sidewalks often comes up. During that  
9 meeting, the Town expressed no desire to have  
10 sidewalks that they would be responsible to maintain  
11 because any sidewalk within this development would not  
12 connect to another development that has sidewalks and  
13 there is no plans to put sidewalks along Boght Road or  
14 Baker Avenue. So, there are no plans for sidewalks  
15 along those streets. The Town would not support - or  
16 at least the Town Department of Public Works would not  
17 support sidewalks within the development that would be  
18 publicly owned or maintained. That's not to say that  
19 they couldn't be kept within the lots.

20 MR. SIPPERLY: Those become situations where  
21 they become sidewalks to nowhere. You have a sidewalk  
22 within a development that ends and then there is no  
23 logical connection.

24 MS. MILSTEIN: I understand that argument, but  
25 what it means is that if there are kids there, they

1 can walk safely from one neighbor's house to another  
2 or elderly or whoever. It's a safe way within the  
3 neighborhood. I understand that it's not necessarily  
4 a sidewalk to nowhere. It's a safety feature within a  
5 development as I see it.

6 MR. LACIVITA: To that point, I think that we  
7 link a lot of the neighborhoods - Cornerstone,  
8 Canterbury and this Ventura - we link them via road  
9 connections. So, there is a way to converse the  
10 neighborhood, but it's not on a sidewalk. You still  
11 have a way to connect and people and kids can go from  
12 one neighborhood to another.

13 MS. MILSTEIN: I understand, but I'm a great  
14 proponent of sidewalks.

15 MR. GRASSO: Understood.

16 MR. LANE: There had been a comment from Fire  
17 Services regarding the length of the development, they  
18 like to see sprinklered buildings. Are we having  
19 those last lots at the end - are they going to be  
20 sprinklered?

21 MR. GRASSO: The concern was that once you lose  
22 your two points of access - if you look south to the  
23 extension down to Vliet Street Extension, that  
24 cul-de-sac - where it gets over 750 feet long, any  
25 homes past that point they suggested sprinklers. It's

1 not a code requirement, but it was something that came  
2 up during the concept review and I think that they  
3 have commented on it again on the preliminary plans as  
4 well.

5 I don't know, Lynn, if you could speak to that.

6 MR. SIPPERLY: This cul-de-sac from this point  
7 south is 940 feet long. When we were here, we were  
8 concerned about that length of cul-de-sac and I guess  
9 the 750 is really a guide.

10 MR. LANE: It has to do with the length of the  
11 hose.

12 MR. SIPPERLY: There are hydrants all along  
13 here. There is no situation where a fire truck  
14 wouldn't be able to fight a fire with regard to the  
15 length of hose that they carry. There are hydrants  
16 that are spaced no more than 500 feet apart.

17 MR. GRASSO: Their concern becomes that the  
18 longer the cul-de-sac becomes, the greater risk that  
19 there is going to be a blockage at that intersection  
20 and to prevent emergency vehicles from getting to  
21 those homes. So, that's where they had suggested at  
22 least the homes past the 750 point should have  
23 additional mitigation -

24 CHAIRMAN STUTO: Do you have an opinion on  
25 that?

1           MR. GRASSO: Yes, we support it even though  
2           it's not a code requirement, we agree that having  
3           sprinklers within those few homes -- it wouldn't be  
4           all the homes on the cul-de-sac. It would be those  
5           past the 750 feet. I think that's five or six homes.  
6           It's out there for the applicant to consider. I don't  
7           remember seeing anything in the preliminary plan  
8           submission regarding that.

9           MR. SIPPERLY: That's actually a new comment  
10          that I believe -

11          MR. GRASSO: No, it was in the concept minutes.  
12          I remember reading the minutes.

13          MR. SIPPERLY: I think that at that time the  
14          Planning Board did require us -

15          MR. GRASSO: No, it was not a requirement. It  
16          was just a suggestion.

17          CHAIRMAN STUTO: Anything else?

18          MR. LACIVITA: Peter, we did receive one  
19          letter, an email, that I circulated to the Planning  
20          Board and I was just asked to read into the record,  
21          just so that we can have it on the record. I know you  
22          do have a number of letters of support and concern in  
23          your packets but this letter came from another  
24          resident, Mr. Matthew Robinson.

25          "Mr. LaCivita, I spoke to you today, Monday

1 March 3rd about the Ventura Subdivision. In previous  
2 meetings, I and other residents and Board Members  
3 spoke about having only two homes on Renas Drive and  
4 the current plan still shows three. I see the  
5 property line will be moved 10 feet by 82.23 feet  
6 which is great, but the three homes in front is still  
7 much to think about and it turns out that three were  
8 build on Ventura Boulevard and two on Renas that would  
9 look to be more feasible to the neighborhood. I also  
10 see that the woods behind my home is no longer in the  
11 plans and that they would be removed and I am strongly  
12 against this. Two of my neighbors are also. They  
13 would like to leave the woods and still plant trees  
14 along Ventura Boulevard, that would be fine. This  
15 subdivision project has been a complete nightmare to  
16 my family and other residents on Renas Drive and I'm  
17 hoping that the Board will consider my recommendations  
18 and I'm sorry that I'm no longer able to attend. If  
19 anyone on the Board or yourself have any questions,  
20 they can reach me at -"

21 And he gave his cell phone number.

22 CHAIRMAN STUTO: Okay, we've already spoken  
23 about the number of lots.

24 Joe, on the buffering behind there - you  
25 touched on it a little. I don't know if you want to

1 get into it.

2 MR. GRASSO: Right now they are proposing to  
3 build a berm. It's about three feet above Ventura  
4 Boulevard and I think that there were some trees  
5 proposed on top of it.

6 MR. SIPPERLY: That area is right in here  
7 (Indicating). There is no clearing that is going to  
8 occur along the property line which is where this  
9 mature vegetation is right now. Where there is gaps  
10 in that vegetation, we are proposing to plant new  
11 trees there - like an evergreen tree that would  
12 supplement and kind of close that up. We're kind of  
13 showing on the concept plan and I think on the final a  
14 treeline coming along here, but we're saying to  
15 install trees or plant trees in the existing hedgerow.

16 CHAIRMAN STUTO: Joe, can you review that  
17 closely?

18 MR. GRASSO: Yes. I think that the preliminary  
19 plans that they may have seen looked as though it was  
20 going to clear out that area and I'm going based on  
21 the preliminary plans that we have on file.

22 MR. SIPPERLY: We might do some grading work in  
23 here just to put that berm in. We'd have to do some  
24 grading. That would require some clearing.

25 MR. GRASSO: Okay, we'll have to go over some

1 of the details.

2 CHAIRMAN STUTO: It's a valid comment.

3 Anything else?

4 (There was no response.)

5 MS. DELLAROCCO: I don't know if it's going to  
6 be effected or not, but we've had a number of water  
7 breaks on Boght Road. I'm just wondering if it can  
8 handle this?

9 CHAIRMAN STUTO: I don't know if that's related  
10 to this -- if water breaks from older lines when it  
11 freezes.

12 MR. GRASSO: This would not affect the  
13 integrity of those lines. It won't be changing system  
14 pressures. It won't make the situation better or  
15 worse. Nothing was raised by the Town. The Latham  
16 Water District did not raise any concerns about the  
17 integrity of the existing lines, but they are diligent  
18 about maintaining their system.

19 CHAIRMAN STUTO: Do we have a motion for  
20 concept acceptance?

21 MS. GOODWIN SEGAL: I'll make the motion.

22 MR. LANE: I'll second.

23 CHAIRMAN STUTO: Any discussion?

24 (There was no response.)

25 CHAIRMAN STUTO: All those in favor say aye.

1 (Ayes were recited.)

2 CHAIRMAN STUTO: All those opposed say nay.

3 (There were none opposed.)

4 CHAIRMAN STUTO: The ayes have it.

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9 (Whereas the above entitled proceeding was

10 concluded at 8:02 p.m.)

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I, NANCY STRANG-VANDEBOGART, Shorthand  
Reporter and Notary Public in and for the State of New  
York, hereby CERTIFY that the record taken by me at  
the time and place noted in the heading hereof is a  
true and accurate transcript of same, to the best of  
my ability and belief.

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NANCY STRANG-VANDEBOGART

Dated March 17, 2014

